

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

NYKOA JONES, o/b/o E.R.S., a minor,)
)
)
Plaintiff,)
)
)
v.) **Case No. 10-CV-779-PJC**
)
)
MICHAEL J. ASTRUE,)
Commissioner of the)
Social Security Administration,)
)
)
Defendant.)
)

OPINION AND ORDER

On January 4, 2012, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings under sentence four of 42 U.S.C. § 405(g) (Dkt. ##19and 20). Pursuant to Plaintiff's Application for Award of Attorney Fees Pursuant to the Equal Access to Justice Act ("EAJA") (Dkt. #21) and Defendant's response (Dkt. #22), the parties have agreed that an award in the amount of \$ 3,913.30 in attorney's fees is appropriate based on 21.90 hours of attorney work performed in this case. The Court has reviewed the pleadings and finds that Plaintiff Nykoia Jones ("Jones") o/b/o E.R.S., a minor, is the prevailing party and the fees sought are reasonable.

THEREFORE, IT IS ORDERED that Jones be awarded EAJA attorney fees in the amount of \$ 3,913.30 in attorney fees, in care of her counsel. If attorney fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED, this 29th day of March, 2012.



Paul J. Cleary
United States Magistrate Judge